

# MAINE STATE LEGISLATURE

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**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

**1976**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

SENATE

Tuesday, March 9, 1976

Senate called to order by the President.  
Prayer by Rev. James Brossius of the Windsor Memorial Baptist Church:

Let us unite in prayer. Our Heavenly Father, in this bicentennial year we are constantly being reminded of our past and our history as a nation, and particularly we are mindful today of your guiding hand upon this great land. We are thankful for your blessings. As importantly, Father, we realize that the future of our land needs to be in your guidance. We need you, Lord, guiding our leaders, and your blessing upon this great nation now more than ever before. So this morning we pause to ask you for just that. On the state level especially, Father, we ask that you will be with these Senators as they make decisions that will affect our state. Give them wisdom and discernment. We ask this in the name of Jesus Christ, our Lord. Amen.

Reading of the Journal of yesterday.

**Papers from the House  
Joint Orders  
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of David Tibbetts of Brownfield who has Achieved the Honor and Distinction of Eagle Scout in the Denmark-Brownfield Troop of the Pinetree Council of Boy Scouts of America

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2159)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Kenneth Johnson of Brownfield who has Achieved the Honor and Distinction of Eagle Scout in the Denmark-Brownfield Troop of the Pinetree Council of Boy Scouts of America

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2160)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Eric Smith of Brownfield who has Achieved the Honor and Distinction of Eagle Scout in the Denmark-Brownfield Troop of the Pinetree Council of Boy Scouts of America

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2161)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of William Clark of Lawrence High School, Winner of the First Place Medal in the Persuasive Speaking Contest of the Bicentennial Youth and Debate Program Sponsored by the Speech Communications Association of America and the State of Maine Bicentennial Commission

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2162)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

WHEREAS, the City of Augusta, on the evening of March 2, 1976, provided the Members of the One Hundred and Seventh Legislature with an evening of gracious hospitality; and

WHEREAS, this joining in good fellowship of Augusta officials and the Legislature in the magnificent beauty of the Augusta Civic Center was a warm and memorable occasion; and

WHEREAS, we wish to express our heartfelt thanks for the delightful evening extended by our Capitol City hosts; now, therefore, be it

ORDERED, the Senate concurring, that the sincere appreciation of the Members of the 107th Legislature be extended to Mayor David N. Elvin and to the Honorable Members of the Augusta City Council for the gracious hospitality extended to them at the legislative reception given in behalf of the Legislature at the Augusta Civic

Center on the evening of March 2nd; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the Honorable David N. Elvin, Mayor of Augusta, in token of the sentiments expressed herein. (H. P. 2163)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Key Clubs of Edward Little High School, Lewiston High School and Saint Dominic's Regional High School Sponsors of the Recent Marathon Dance to Benefit the Maine Epilepsy Foundation

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2166)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**House Paper  
State Government**

Bill, "An Act to Implement a Central Licensing Division within the Department of Business Regulation." (H. P. 2153) (L. D. 2294)

Comes from the House referred to the Committee on State Government and Ordered Printed.

Which was referred to the Committee on State Government and Ordered Printed in concurrence.

**Senate Papers  
Joint Resolution**

Mr. Hichens of York presented the following Joint Resolution and moved its adoption:

**STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

**IN MEMORIAM**

Having Learned of the Death of Sanford Judson Dunaway of Ogunquit who was Widely and Fondly Known for His Many Philanthropic Deeds

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (S. P. 743)

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I present this resolution today in memory of a man who as a multimillionaire wanted to do the most good for the greatest number of people and generously shared his wealth by means of frequent sizable financial gifts benefitting a variety of organizations and institutions.

In 1970, Mr. Dunaway paid off a \$37,700 mortgage on Maine's Camp Waban for retarded and crippled children so the camp could use its funds for rehabilitation programs. He also financed construction of the camp's largest building, Dunaway Commons, in 1969.

Two major wings of the Douglas-Wentworth Hospital in Dover, New Hampshire, here he formerly lived, were constructed with the aid of a two million dollar gift from the Dunaway Foundation established in 1959 to dispense his accumulated wealth. The foundation also made generous gifts to area churches, schools and orphanages.

The Community of Ogunquit dedicated the Judson Dunaway Community Center in November, 1974, a project funded in part by a \$250,000 gift from the Dunaway Foundation.

Ogunquit, Maine and New Hampshire have lost a man who not only expressed his concern for the less fortunate but put his money to work to alleviate those needs. Through his generosity, his name will be remembered and revered for years to come.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that this joint resolution be adopted and sent down for concurrence. Is this the pleasure of the Senate?

The motion prevailed.

#### Orders

On motion of Mr. O'Leary of Oxford,  
STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Panthers of Rumford High School Boys' Basketball Team Western Maine Class A Champions and Undefeated in Twenty-one Games

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 744)

Which was Read and Passed.  
Sent down for concurrence.

On motion by Mr. Thomas of Kennebec,  
STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mr. and Mrs. Lauren F. Kelley who have

Continuously Served and Maintained in Their Home From 1926 to 1976 the Office of Town Clerk of Belgrade, Maine

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 745)

Which was Read and Passed.  
Sent down for concurrence.

On motion by Mr. Thomas of Kennebec, WHEREAS, it appears to the Senate of the 107th Legislature that the following are important questions of law and that the occasion is a solemn one; and

WHEREAS, there is pending before the 107th Legislature in its Committee on Business Legislation a bill entitled "An Act to Require Home Health Care Coverage to be Offered in all Health Care Policies and Contracts," House Paper 2088, Legislative Document 2247 (Exhibit A); and

WHEREAS, Article 1, Section II of the Constitution of the State of Maine provides, inter alia, that the "Legislature shall pass no law impairing the obligation of contracts. . . ." and

WHEREAS, Article I, Section 10 of the Constitution of the United States provides, inter alia, that "No state shall . . . pass any . . . law impairing the obligation of contracts. . . ." and

WHEREAS, Article 1, Section 6-A of the Constitution of the State of Maine provides that: "No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof;" and

WHEREAS, The Thirteenth Amendment to the Constitution of the United States provides, inter alia, that "involuntary servitude" shall not exist within the United States, or any place subject to their jurisdiction, "except as a punishment for crime whereof the party shall have been duly convicted;" and

WHEREAS, the Fourteenth Amendment to the Constitution of the United States provides, inter alia, that: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws;" and

WHEREAS, section 1 of Exhibit A proposes to require every nonprofit hospital or medical service organization to "provide coverage for coordinated home health care services in lieu of hospitalization by any home health agency certified by the Department of Human Services" which services "may be provided only by an agency which has contracted with the nonprofit hospital or medical service organization. . . ." and

WHEREAS, sections 2 and 3 of Exhibit A propose to require insurance companies issuing single and group health insurance policies in the State of Maine to "provide coverage for coordinated home health care services provided in lieu of hospitalization by a home health agency certified by the Department of Human Services;" and

WHEREAS, Exhibit A appears to impose upon nonprofit hospital or medical service organizations and health insurance companies a mandatory duty to provide such coverage under certain circumstances; and

WHEREAS, the Revised Statutes, Title 24, section 2301, subsection 3 authorizes nonprofit hospital or medical service organizations to "establish, maintain and operate nonprofit health care plans whereby health care services. . . may be provided by institutions or persons licensed for such purpose by the State of Maine with which such corporation has a contract for such purpose, to such persons or groups of persons as become subscribers to such plan under a contract which entitles each subscriber to certain specific health care. . . ." and

WHEREAS, the operation of a nonprofit hospital or medical service organization is predicated upon contracts of membership between the subscriber and the organization under which the subscriber pays monthly fees and the organization, in turn, contracts with participating physicians, hospitals and other providers of health care services to furnish medical, surgical, hospital and other health care services to the members, the bills for which are paid, according to the subscriber contract, by the nonprofit hospital or medical service organization; and

WHEREAS, these health care plans are essentially voluntary and are based upon freedom of contract by all participating parties; organizations and institutions; and

WHEREAS, section 1 of Exhibit A appears to remove that freedom of contract by requiring all nonprofit hospital or medical service organizations to provide such coverage which coverage may only be provided by entering into contracts with specified agencies; and

WHEREAS, the legislative mandate of specific benefit programs by a nonprofit hospital or medical service organization may have the effect of impairing such an organization's ability to provide other benefits considered by the organization or its subscribers to be of a higher priority; and

WHEREAS, freedom of contract is a basic right protected by the due process clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States and that freedom is an elementary part of the rights of personal liberty and private property, not to be stricken down directly or arbitrarily interfered with; and

WHEREAS, the constitutionality of the provisions of Legislative Document 2247 (Exhibit A) has been questioned; and

WHEREAS, it is important that the Legislature be informed as to the answers to these important and serious legal questions hereinafter raised; now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the Senate, according to the provisions of the Constitution on its behalf, their opinion upon the following questions, to wit:

QUESTION NO. 1:

Would section 1 of Legislative Document 2247 (Exhibit A), if enacted into law, constitute an unconstitutional exercise of power by this Legislature and be violative of any provisions of either the Constitution of the State of Maine or the Constitution of the United States?

**QUESTION NO. 2:**

Would section 2 of Legislative Document 2247 (Exhibit A), if enacted into law, constitute an unconstitutional exercise of power by this Legislature and be violative of any provision of either the Constitution of the State of Maine or the Constitution of the United States?

**QUESTION NO. 3:**

Would section 3 of Legislative Document 2247 (Exhibit A), if enacted into law, constitute an unconstitutional exercise of power by this Legislature and be violative of any provision of either the Constitution of the State of Maine or the Constitution of the United States?

Which was Read and Passed.  
Sent down for concurrence.

On motion by Mr. Collins of Knox,  
STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Senety-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Earl H. Mineau, M.D. of Friendship for His Assistance in Emergencies and for His Work at the First Aid Station in Friendship

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 746)

Which was Read and Passed.  
Sent down for concurrence.

**Committee Reports  
House**

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Require that Fluorescent Orange Clothing be Worn by Certain Persons Working on or About Public Highways in the Nighttime." (H. P. 1938) (L. D. 2126)

**Leave to Withdraw**

The Committee on Taxation on, Bill, "An Act to Improve the Equity of the Maine Income Tax." (H. P. 2006) (L. D. 2185)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on, Bill, "An Act to Promote the Sale of Alcoholic Beverages Manufactured or Distilled in Maine." (H. P. 1893) (L. D. 2073)

Reported that the same be granted Leave to Withdraw.

The Committee on Human Resources on, Bill, "An Act Amending the Maine Indian Housing Authority Law Relating to Area of Operation and Transfer of Real Property." (H. P. 1834) (L. D. 1999)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted. in concurrence.

**Ought to Pass — As Amended**

The Committee on Judiciary on, Resolution, Proposing an Amendment to

the Constitution to Allow Judges whose Terms of Office Expire or who Reach Mandatory Retirement Age to Continue to Hold Office for up to 6 Months until their Successors are Appointed. (H. P. 2037) (L. D. 2209)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-951).

The Committee on State Government on, Resolve, Authorizing the Exchange of Certain Lands in the Capitol Complex as Recommended by the Capitol Planning Commission. (H. P. 1968) (L. D. 2157)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-950).

Come from the House, the Resolution and Resolve Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence, and the Resolution and Resolve Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Resolution and Resolve, as Amended, Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Labor on, Bill, "An Act to Extend Collective Bargaining Rights to the Employees of Maine Maritime Academy." (H. P. 1944) (L. D. 2141)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-947).

Signed:

Senators:

ROBERTS of York  
McNALLY of Hancock  
PRAY of Penobscot

Representatives:

TIERNEY of Durham  
CHONKO of Topsham  
PEARSON of Old Town  
LAFFIN of Westbrook  
FLANAGAN of Portland  
SNOW of Falmouth  
MARTIN of St. Agatha  
TEAGUE of Fairfield  
SPROWL of Hope

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representative:

TARR of Bridgton

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A"

Which reports were Read.

Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

**Senate**

**Ought to Pass — As Amended**

Mr. Hichens for the Committee on Health and Institutional Services on,

Bill, "An Act Concerning the Administration of Medicine to Inmates of County Jails." (S. P. 668) (L. D. 2127)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-423).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

**Second Readers**

The Committee on Bills in the Second Reading reported the following:

**House — As Amended**

Resolve, Authorizing the Exchange of Certain Public Reserved Lands. (H. P. 2066) (L. D. 2246)

Which was Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

**Senate**

Bill, "An Act to Establish the Belfast and Moosehead Lake Railroad Authority." (S. P. 741) (L. D. 2292)

Which was Read a Second Time and Passed to be Engrossed.  
Sent down for concurrence.

**Enactors**

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Relating to Notifying Municipalities of Recipients of Public Assistance. (H. P. 1894) (L. D. 2074)

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Resolve, Authorizing the Bureau of Public Lands to Convey the State's Interest in 4 Lots in Kingman, Penobscot County. (S. P. 661) (L. D. 2086)

Which was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

**Constitutional Amendment**

Resolution, Proposing an Amendment to the Constitution to Assure Revenues for Bond Service and Prohibit State Bonding of Current Expenditures. (S. P. 689) (L. D. 2206)

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I would direct the Senate's attention to this piece of legislation, which, according to the way I read it, would make our bonds absolutely incapable of default. Might I ask through the Chair to the sponsor or anyone else who might care to answer whether or not this proposed constitutional amendment does actually make subservient all state expenditures of all education, welfare, state employees salaries, and all other state expenditures, subservient to the single task of paying off our bonds as they become due?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President, this constitutional amendment is designed to add greater insurance to bonds issued by the State of Maine. It is done with one primary purpose, and that is to aid in increasing our bond credit rating from this "AA" to "AAA" by putting it into the constitution that the repayment of bond interest and principal has a first lien, so to speak, on tax income, and by insuring that the government of Maine will not be tempted to utilize bond proceeds to fund current expenditures. We have done about all we can possibly do to guarantee our bonds, and hopefully to entice the bond raters to give us the "AAA" rating that we formerly enjoyed, which should result, as I understand it, in a difference of interest payments of around \$325,000 per annum.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I would like to pose a question through the Chair to anyone that might answer. I am interested in knowing what, if any, opinion has been obtained from bond counsel concerning the value of this measure. I feel this is a very important measure and I am inclined to support it, and I would simply like to know that material, and think it might be useful for the record.

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, to respond to the question, we have no written opinion of bond counsel. At the public hearing, the State Treasurer, Mr. Scribner, indicated that he had had a number of conversations with bonding houses regarding this proposed language. The proposed language has been reviewed by Mr. Wilk of the Attorney General's Office. It is designed to be the strongest possible language and method for insuring that the bondholders are paid first and that the credit rating of the state is retained at the highest possible level. The constitutional amendment requires by its terms a general law which would have to be enacted by a later legislature to further define some of the terms in the constitutional amendment.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and Tomorrow Assigned, pending Passage.

#### Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

Bill, "An Act to Establish a Single Maine Estate Tax Based Upon a Percentage of Federal Taxable Estate." (H. P. 1951) (L. D. 2142)

Tabled — March 5, 1976 by Senator Jackson of Cumberland.

Pending — Passage to be Engrossed. (In the House — Passed to be Engrossed as Amended by House Amendment "A" (H-948).) (In the Senate — House Amendment "A" Adopted in Concurrence.)

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for March 16, 1976, pending Passage to be Engrossed.

The President laid before the Senate the second tabled and Specially Assigned matter:

House Report — from the Committee on State Government — Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (H. P. 1981) (L. D. 2170) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-941); Minority Report — Ought to Pass as Amended by Committee Amendment "B" (H-942).

Tabled — March 5, 1976 by Senator Graham of Cumberland.

Pending — Acceptance of Either Report. (In the House — Minority Report Read and Accepted and the Resolution Passed to be Engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" Thereto (H-943).)

The PRESIDENT: The Chair recognizes

the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, because I have had some requests from members of the Senate who would like to see samples of messages which have been written by governors in other states using the item veto, I have asked that the law library prepare some samples along this line. They are not yet ready, and I would ask if it might be possible for some Senator to table this matter for one day.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for March 12, 1976, pending Acceptance of Either Report.

#### Reconsidered Matter

The following Bill was held on March 8, 1976 at the request of Senator Speers of Kennebec, pending Consideration:

#### Emergency

An Act to Permit a Manufacturer of Alcoholic Beverages to be a Stockholder in a Corporation which is a Licensee. (H. P. 1892) (L. D. 2072)

On motion by the same Senator, the Senate voted to reconsider its former action whereby the Bill was Passed to be Enacted.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: A point of parliamentary inquiry, Mr. President. I know I heard the Senator from Cumberland, Senator Conley, address the Chair, Mr. President, while there was some other noise going on. I don't think the presiding officer heard his inquiry.

The PRESIDENT: The Chair would apologize to the Senator from Cumberland. The Chair would reply that he did not hear the Senator address the Chair.

Mr. CONLEY: Mr. President, it was obvious to me that evidently you didn't hear me when I saw the gavel come down.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would inquire through the Chair as to what purpose the majority floor leader would like to reconsider this bill?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: We have been informed that there is a constitutional question with regard to the bill as it was enacted, and this is the purpose for the reconsideration, so that an amendment may be prepared to take care of that problem.

Mr. President, I now move that this bill lie on the table until Friday next.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that this bill be tabled until Friday next, pending Passage. Is this the pleasure of the Senate?

The motion prevailed.

Mr. Gahagan of Aroostook was granted unanimous consent to address the Senate.

Mr. GAHAGAN: Mr. President and Members of the Senate: Last year the Senator from Aroostook, Senator Johnston, sounded a note of levity and good fellowship in this chamber by presenting

each of us with a necktie with Maine potatoes and pine trees embroidered on it. In the past we have received everything from apples to Poland Spring water. This is really a part of our work in the state Senate. It strengthens the Senate fellowship when we do this, and if we have ever had a need as a deliberative body, we have one now for greater cohesiveness and mutual understanding.

That is why I have brought you each a copy of this record, entitled "America Awakes". A musical production of The Way ministry, it eloquently presents a renewed vision for, and faith in, America.

The Senate fellowship needs a renewed faith and vision, because it is struggling with the greatest test of our state and nation since the American Civil War. Today this modern test of our faith and vision should be called the American Uncivil war.

Civil pertains to the whole body of citizens as well as to the private rights of citizens. The first great test of our unity and integrity as a nation centered on those two themes. Uncivil is defined by Webster both as "barbarous; uncivilized" and as "not civil or courteous; ill mannered."

The American uncivil war is both "barbarous; uncivilized" and "not civil or courteous." We see it in every facet of modern life. It has become so much a part of modern life that, like subliminal advertising, we are scarcely aware of it unless we take a moment to reflect as we are doing now.

Keeping a sense of perspective may prevent us from engaging in what for all the world seems to me to be exactly like a shouting match on the slanting quarterdeck of the steamship Titanic. The Maine Constitution is even more emphatic than the U.S. Constitution about our government's spiritual origins, "Acknowledging with grateful hearts the goodness of the sovereign ruler of the universe".

Article I, Section 3 of the Maine Constitution states that "all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested or restrained in his person, liberty or estate for worshipping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments, provided he does not disturb the public peace, nor obstruct others in their religious worship; — and all persons demeaning themselves peaceably, as good members of the state, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust, under this state; and all religious societies in this state, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance."

The people of Maine have these statements in their constitution because they believe them, but in practice we are behaving as though we did not believe them.

The national mind and will appear to have been poisoned by fifteen years of strife and tragedy, domestic and foreign. This has troubled us to such a degree that we are willing to allow the pathological actions of a few people to scare us into

abandoning our basic principles of government. This is especially ironic because the techniques being used in this assault on the integrity of American citizenship are techniques which were developed by the intelligence community.

Recent disclosures of the intelligence community's activities are only the tip of the iceberg. We are learning that the Symbionese Liberation Army and even a few "religious movements" have common origins in the counter-insurgent and counter-religious operations of our own intelligence community.

Each one of us must decide for himself why they would ever do such a thing, but it seems to be an extension of the ridiculous attitude that this will somehow save us from ourselves, whether we want to be saved or not.

Last Saturday night in Michigan, I had the privilege of addressing a group of families and young people who were attending a live performance of the "America Awakes" production. I opened the show with these words:

America today is as troubled and internally divided as it was in the days of the Great Emancipator, Abraham Lincoln. Our beloved country is fighting a civil war today, in a sense, because our people are so deeply divided: the old contend with the young, parents with their children, men with women, people of modest means with those who desperately seek basic sustenance.

Our war is essentially a war of words and thoughts, but the casualties of this usually verbal assault on one another are very real. This war's wounds are inflicted with hateful arguments instead of with rifle bullets and bayonets. The resulting broken homes and barren marriages have caused anxious and often makeshift social arrangements which seek to take the place of the home life America has lost.

The strife and contention is seemingly engulfing us, bringing forth many social and political responses, which are completely missing the point. These responses seek to make people feel a little better about themselves and each other, and seek to give people life support while they vainly attempt to reason their way out of the trap in which they find themselves.

This support most often takes the form of money or its equivalent. As the economic system has continued to falter in recent months, the pleas for increased subsidy have come from the distressed. Their need for continued day care, counseling, welfare payments, housing, food, medical care, and other help of all kinds is testimony to the degree to which home and family life is being destroyed in our country.

We are finding it economically impossible to provide separate, but equal living arrangements for each of the fragments of former families. The economic squeeze is forcing, rather than bringing, people closer together, really only in the common recognition of their personal and economic problems.

Abraham Lincoln brought a simple faith and vision to America in her last time of great troubles. In our present strife, Lincoln's faith still teaches us the direction we ought to go.

As a boy, Lincoln had only six books of his own: The Bible, Aesop's Fables, Robinson Crusoe, The Pilgrim's Progress, Weems' Life of Washington, and a History of the United States. Lincoln had less than one year's attendance at school, yet he

read and reread those six books and borrowed others.

Modern education forces us to read large numbers of books rather superficially. Lincoln read his few books carefully and thoughtfully. When America was desperately divided, and the survival of the country itself was threatened, it was Lincoln who was selected to lead America in what was then the darkest hour of her history since the founding.

This proved a fortunate choice, because Lincoln's faith and vision were guided by his careful study of The Bible. The idea that an establishment of religion shall not be regulated by civil laws is only one cornerstone of the country's founding, and few people in our present time realize in their lives the even more basic meaning of religious freedom in America.

Lincoln brought to the presidency his belief in the most basic founding principle of our country, that the individual citizen shall have the right of belief and expression with his government's protection and encouragement. His faith in the correctness of this simple principle literally held the country together.

Lincoln was not a member of an organized church, but he was a man of profound beliefs:

"I have never united myself to any church because I have found difficulty in giving my assent, without mental reservations, to the long complicated statements of Christian doctrine which characterize their articles of belief and confessions of faith. When any church will inscribe over its altar, as its sole qualification for membership, the master's condensed statement of the substance of both law and gospel 'Thou shalt love the Lord thy God with all thy heart and with all thy soul, and with all thy mind. . . and . . . thou shalt love thy neighbor as thyself', that church will I join with all my heart and with all my soul."

Lincoln's belief came most essentially from his personal study of God's word and his love of God was the essence of his stand for America.

The Way Ministry represents and presents, through its biblical research and teaching, this personal, essential, and compassionate approach to the understanding of God's Holy Word, The Bible.

People in America have been frightened and alienated by a succession of bizarre national tragedies and setbacks during the last fifteen years. Each new outrage has only removed us further from our best selves and the spiritual roots which give us guidance.

The Way Ministry brings families and individuals together through fellowships in homes across this great nation and around the world, and through its teachings brings people closer to an understanding of the greatness that is available through belief in God and his Son, Jesus Christ.

Lincoln's first inaugural closes with these words: "I am loth to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every living heart and hearthstone, all over this broad land, will yet swell the chorus of the union, when again touched, as surely they will be, by the better angels of our nature."

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot.

Adjourned until 10 o'clock tomorrow morning.